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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,147	02/08/2001	Scott D. Ritche	P5663	4221
32658	7590	04/21/2004		
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEEN ST. DENVER, CO 80202			EXAMINER PHILLIPS, HASSAN A	
			ART UNIT	PAPER NUMBER
			2151	6

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/779,147

Applicant(s)

RITCHE, SCOTT D.

Examiner

Hassan Phillips

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The Information Disclosure Statement (IDS) filed on January 8, 2001, has been received and considered by the examiner.

### ***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

1. Claim 26 is objected to because of the following informalities: On line 5, of claim 26, the examiner feels the words "prior to" do not belong. In order to complete the examination of the application for patent, the examiner has disregarded the words "prior to" in line 5 of claim 26. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10-12, 15-18, 20, 24-27, are rejected under 35 U.S.C. 102(e) as being anticipated by Ghanime, U.S. patent 6,591,296.

3. In considering claim 10, Ghanime discloses a method for automatically responding to error alerts created by network devices during operation of a computer network, comprising:

- a) Providing a network device file comprising identification information for each of the network devices in the computer network, (col. 4, lines 6-13);
- b) Receiving an error alert comprising failure information related to a network failure and to at least one of the network devices affected by the network failure, (col. 2, lines 29-33);
- c) Comparing the failure information in the received error alert to the identification information in the network device file, (col. 4, lines 14-16);
- d) Creating a job ticket for the network device including a portion of the failure information for use in servicing the device, (col. 2, lines 52-61).

4. In considering claim 11, Ghanime further discloses:

- a) The identification information including a domain for each of the network devices, (col. 5, lines 11-20).
  - b) Comparing the domain in the received error alert to the domain in the identification information in the network device file, (col. 4, lines 14-16).
5. In considering claim 12, Ghanime further discloses:
  - a) The identification information including a node name for each of the network devices, (col. 4, lines 6-26).
  - b) Comparing the node identification in the received error alert to node name in the identification information in the network device file, (col. 4, lines 14-16).
6. In considering claim 15, the method taught by Ghanime further discloses parsing the error alert to filter out error tracking information and the portion of failure information included in the job ticket. See col. 3, lines 59-67, and col. 4, lines 1-2.
7. In considering claim 16, the method of Ghanime further discloses:
  - a) The portion of the failure information including geographic location information for the network device, (col. 2, lines 46-48);
  - b) Identifying a maintenance center associated with the network device based on the geographic location information, (col. 5, lines 62-64).

8. In considering claim 17, the method of Ghanime further discloses electronically transmitting the created job ticket to the identified maintenance center. See col. 4, lines 2-5.

9. In considering claim 18, the method of Ghanime further discloses, in identifying the maintenance center, determining a member of a service group associated with the identified maintenance center and responsible for servicing the network device and directly notifying the service group member. See col. 4, lines 35-50.

10. In considering claim 20, the method of Ghanime further discloses, prior to creating a job ticket, performing diagnostics for the network device to obtain diagnostic information, and verifying location information in the failure information to obtain verified location information, and including the diagnostic information and the location information in a created job ticket. See col. 2, lines 52-61.

11. In considering claim 24, Ghanime discloses:

- a) A memory device 114, including files for storing identification data for each of the network devices in the computer network, (col. 4, lines 6-8);
- b) A memory device 110, for storing threshold limits for previously identified network failure types and their tracking information, (col. 3, lines 52-58);
- c) An auto ticket tool 102, in communication with the network devices to receive the error alerts, and with the memory device to access the

identification data and the threshold limits, and configured to process each of the error alerts, to determine the failure type, to update tracking information for the failure type, and to determine if the threshold limit for the failure type is exceeded based on tracking information, and if the threshold limit is determined to be exceeded, creating a job ticket for a network device identified by the identification data, (col. 5, lines 51-60).

12. In considering claim 25, Ghanime further discloses the auto ticket tool being configured to determine a recipient network device for the job ticket based on location information included in the error alert, and to transmit the job ticket to the recipient network device. See col. 5, lines 62-64.

13. In considering claim 26, Ghanime further provides a means for determining whether an identified network device is included on an outage list, and creating a job ticket only after it is determined that the identified device is not on the outage list, (col. 5, lines 53-60).

14. In considering claim 27, Ghanime further discloses the memory device 114, adapted for storing device location information comprising a geographic location for each of the network devices and wherein the auto ticket tool is operable to include the location information for use in creating the job ticket, (col. 4, lines 6-26).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9, 21-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Achtermann et al. (hereinafter Achtermann), U.S. patent 6,704,782 in view of Ghanime.

3. In considering claim 1, Achtermann discloses a method for monitoring in a computer network during package distribution comprising:

- a) Receiving an error alert, (col. 2, lines 47-54);
- b) Processing an error alert to identify a failure type from the failure information, (col. 6, lines 24-38);
- c) Updating an error tracking file comprising tracking values for each of the failure types to incrementally change a tracking number for the identified failure type, (col. 5, lines 40-62).

Although the disclosed system of Achtermann shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) Creating a job ticket to initiate service when a threshold limit has been exceeded for an identified failure.



Nevertheless, in a similar field of endeavor Ghanime discloses a method for monitoring devices in a computer network comprising:

- a) Comparing an identified failure to a threshold limit for the identified failure to determine if the threshold is exceeded, (col. 3, lines 47-51);
- b) Creating a job ticket including at least a portion of the failure information from an error alert to initiate service in the computer network, (col. 3, lines 59-67, col. 4, lines 1-5).

Given the teachings of Ghanime, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Achtermann to further provide for creating a job ticket to initiate service in the computer network when a threshold limit for an identified failure has been exceeded. Doing so would have provided a quick and efficient means for immediately contacting service personnel in order to restore, back to working order, that which caused the error, and thus, providing a better Quality of Service (QoS) for those using the computer network, Ghanime, col. 2, lines 5-23.

4. In considering claim 2, the method of Ghanime further discloses:
  - a) The threshold limits being predetermined, (col. 2, lines 52-54);
  - b) The threshold limits stored in memory 110 accessible during the comparing, (col. 3, lines 47-51).

5. In considering claim 3, it is implicit that the method of Ghanime provides for manually or automatically modifying the threshold limits in memory. See col. 3, lines 47-51.

6. In considering claim 4, the method of Achtermann further discloses:

- a) The error alert processing including retrieving identification data on a network device affected by the package distribution failure, (col. 5, lines 56-62).

Although the disclosed system of Achtermann shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) Not creating a job ticket when an affected network device is on an outage list.

Nevertheless, the method of Ghanime provides a means for:

- a) Determining whether an affected network device is included on an outage list, and not creating a job ticket when the affected device is on an outage list, (col. 5, lines 53-60).

Given the teachings of Ghanime, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Achtermann to further provide a means for not creating a job ticket to initiate service in the computer network when a device is on an outage list. This would have prevented generating unnecessary network traffic when a device is on outage list, thereby,

increasing the bandwidth of the network, Achtermann, col. 6, lines 38-40, and providing a better QoS for those using the computer network, Ghanime, col. 2, lines 5-23.

7. In considering claim 5, the method of Achtermann further discloses:

- a) The error alert processing including retrieving identification data on a network device affected by the package distribution failure, (col. 5, lines 56-62);
- b) Tracking values for each of the failure types included in the error-tracking file for each of the network devices, (see Table 2).

8. In considering claim 6, it is implicit that the method of Ghanime provides for the threshold limits being selectable for each of the network devices. See col. 3, lines 47-51.

9. In considering claim 7, although the disclosed system of Achtermann shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) Retrieving location information for an affected network device.

Nevertheless, the method of Ghanime discloses:

- a) Error alert processing, including retrieving location information for an affected network device for use in creating a job ticket, (col. 2, lines 46-48);

and provides a means for:

- b) Matching the retrieved location information with device location information stored in memory, and when a match is not achieved, modifying the retrieved location information to match the device location information, (col. 2, lines 52-61).

Given the teachings of Ghanime, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Achtermann to further provide for creating a job ticket including location information for a network device affected by the package distribution failure. Doing so would have provided a quick and efficient means for immediately contacting service personnel and informing personnel on the exact location of the failure. Personnel would then be able to effectively restore back to working order that which caused the error, thus, providing users of the computer network a better QoS, Ghanime, col. 2, lines 5-23.

10. In considering claim 8, although the disclosed system of Achtermann shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) Retrieving location information for an affected network device, and transmitting a job ticket to a job ticket recipient.

Nevertheless, the method of Ghanime discloses:

- a) Retrieving location information for an affected network device for use in creating a job ticket, (col. 2, lines 46-48);
- b) Transmitting a job ticket to a network maintenance center, (col. 4, lines 2-5).

Given the teachings of Ghanime, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Achtermann to further provide for creating a job ticket for a network device affected by the package distribution failure, and transmitting the created job ticket, including location information of the affected device, to a job ticket recipient at a network maintenance center. Doing so would have provided a quick and efficient means for immediately contacting service personnel and informing personnel about a device failure, and the location of the device. Personnel would then be able to effectively restore back to working order the device which caused the error, thus, providing users of the computer network a better QoS, Ghanime, col. 2, lines 5-23.

11. In considering claim 9, the method of Ghanime discloses the job ticket being an email message, and transmitting the message by means of a communication network 122. See col. 4, lines 2-5, and Fig. 1.

12. In considering claim 21, Achtermann discloses:

- a) Processing an error alert to identify a failure type from the failure information, (col. 6, lines 24-38);
- b) Validating the received error alert by accessing a network file including identification information for each network device in the computer network and determining whether a source of the received error alert is included in the network file, (col. 5, lines 54-62);

- c) Updating an error tracking file comprising tracking values for each of the failure types to incrementally change a tracking number for the identified failure type, (col. 5, lines 40-62).

Although the disclosed system of Achtermann shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) Creating a job ticket to initiate service when a threshold limit has been exceeded for an identified failure.

Nevertheless, in a similar field of endeavor Ghanime discloses a method for monitoring devices in a computer network comprising:

- a) Comparing an identified failure to a threshold limit for the identified failure to determine if the threshold is exceeded, (col. 3, lines 47-51);
- b) Creating a job ticket including at least a portion of the failure information from an error alert to initiate service in the computer network, (col. 3, lines 59-67, col. 4, lines 1-5).

Given the teachings of Ghanime, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Achtermann to further provide for creating a job ticket to initiate service in the computer network when a threshold limit for an identified failure has been exceeded. Doing so would have provided a quick and efficient means for immediately contacting service personnel in order to restore, back to working order, that which caused the error, and thus, providing a better Quality of Service (QoS) for those using the computer network, Ghanime, col. 2, lines 5-23.

13. In considering claim 22, the Achtermann further discloses:

- a) The error alert processing including retrieving identification data on a network device from the failure information, (col. 5, lines 56-62).

Although the disclosed system of Achtermann shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) Determining if a device is on a device outage list.

Nevertheless, the method of Ghanime provides a means for:

- a) Determining whether an affected network device is included on an outage list, (col. 5, lines 53-60).

Given the teachings of Ghanime, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Achtermann to further provide a means for determining whether or not a device is on an outage list. This would have prevented generating unnecessary network traffic when a device is on outage list, thereby, increasing the bandwidth of the network, Achtermann, col. 6, lines 38-40, and providing a better QoS for those using the computer network, Ghanime, col. 2, lines 5-23.

14. In considering claim 23, Ghanime further discloses a computer 112, that verifies a portion of the failure information included in the job ticket. See col. 4, lines 6-26.

15. Claims 13, 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghanime in view of Motoyama et al. (hereinafter Motoyama), U.S. patent 6,581,092.

16. In considering claim 13, although the disclosed method of Ghanime shows substantial features of the claimed invention, it fails to expressly disclose:

- a) Inspecting the subject line of an email message for non-valid subject terms.

Nevertheless, in a similar field of endeavor, Motoyama discloses a method for remote diagnostic control, and information collection comprising:

- a) Validating an email message by determining if the message has non-valid subject terms in the subject line of the message, (col. 20, lines 8-17).

Given the teachings of Motoyama, it would have been obvious to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Ghanime to further teach validating the error alert messages by inspecting the subject line of the error alert for non-valid subject terms. This would provide a robust auto ticket tool/email server that would have the capability of determining whether retrieved messages were failure alerts from devices, or normal email messages to be delivered to users of the server, Motoyama, col. 20, lines 24-41.

17. In considering claim 14, the method of Motoyama provides a means for the non-valid subject terms to include forward and reply. See col. 20, lines 8-17.



18. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ghanime in view of Achtermann.

19. In considering claim 19, Ghanime further discloses:

- a) The error tracking information including an error type, (col. 3, lines 64-67, col. 4, lines 1-2);
- b) Comparing the tracking information to a threshold limit for the error type to determine if the job ticket should be created, (col. 3, lines 47-51).

Although the disclosed system of Ghanime shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) Updating a tracking value in an error-tracking file.

Nevertheless, the method of Achtermann discloses:

- b) Updating an error tracking file comprising tracking values for each of the failure types to incrementally change a tracking number for the identified failure type, (col. 5, lines 40-62).

Given the teachings of Achtermann, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Ghanime to further provide for updating a corresponding value in an error-tracking file to incrementally change the tracking value. Doing so would have ensured that job tickets were only created when necessary, (i.e. when the tracking values indicated devices

were outside the range of acceptable device performance, Ghanime, col. 3, lines 47-51).

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Achtermann et al., U.S. patent 6,704,782 discloses a method for monitoring in a computer network during software distribution.

Ghanime, U.S. patent 6,591,296 discloses a method for automatically generating job tickets, in the form of an email, from error alerts received from devices in a computer network.

Motoyama et al., U.S. patent 6,581,092 discloses a method for remote diagnostic, control, and information collection using email messages.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (703) 305-8760. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/  
4/14/04



**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**